

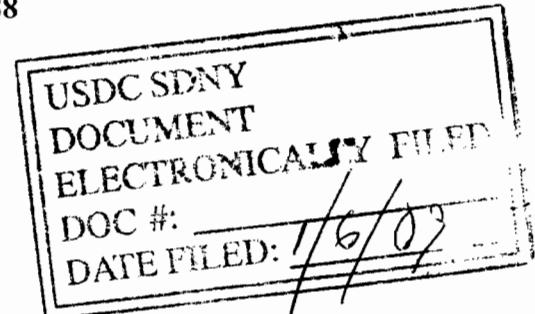
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**In Re: Methyl Tertiary Butyl Ether (“MTBE”)
Products Liability Litigation**

Master File No. 1:00-1989
MDL 1358 (SAS)
M21-88

This Document Relates To:

Buchanan County School Board v. Amerada Hess Corp., et al., Case No. 04-CV-3418



STIPULATION AND ORDER OF DISMISSAL UNDER FED. R. CIV. P. 41

The Plaintiff and the settling defendants, Giant Industries, Inc., Western Refining, Inc., Western Refining Yorktown, Inc. formerly known as Giant Yorktown, Inc., Western Refining Company, L.P., and Western Refining Southwest, Inc., formerly known as Giant Industries Arizona, Inc. and formerly doing business as Giant Refining Company (“Settling Defendants”), have advised the Court that they have resolved the matters between them and agreed to the entry of this Stipulated Order of Dismissal of the claims against the Settling Defendants identified above, as indicated by the signatures of the respective counsel below. This Court finds that this Stipulated Order of Dismissal should be entered, with the findings included below.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the Parties to this Stipulation and over the subject matter of this action. The Parties to this Stipulation have advised the Court of their agreement to settle this matter pursuant to a Settlement Agreement, a Release, and this Stipulated Order of Dismissal.

2. The parties to this Stipulation consent to the dismissal of this action as to Settling Defendants only, including all claims and counterclaims, with prejudice.
3. Each party shall bear its own costs and attorneys' fees.

Date: _____

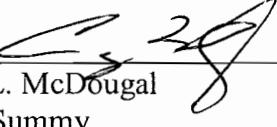
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SO ORDERED

Judge _____

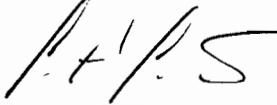
UNITED STATES DISTRICT JUDGE

AGREED TO AND ACCEPTED BY:


Cary L. McDougal
Scott Summy
Carla M. Burke
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219-4281
Telephone: 214-523-6267
Facsimile: 214-520-1181
cmcdougal@baronbudd.com
ssummy@baronbudd.com
cburke@baronbudd.com

Robert J. Gordon
Robin L. Greenwald
WEITZ & LUXENBERG, P.C.
180 Maiden Lane, 17th Floor
New York, NY 10038-4925
Telephone: 212-558-5505
Facsimile: 212-558-5500
rgordon@weitzlux.com
rgreenwald@weitzlux.com

Attorneys for Plaintiffs


Robert F. Redmond

Clement D. Carter
Gray B. Broughton
WILLIAMS MULLEN
1021 E. Cary Street
Richmond, VA 23219
Telephone: 804-783-6931
Facsimile: 804-783-6507
rredmond@williamsmullen.com
ccarter@williamsmullen.com
gbroughton@williamsmullen.com

Attorneys on behalf of Settling Defendants